

## STATEMENT OF EMERGENCY

### 907 KAR 1:901E

(1) This emergency administrative regulation is being promulgated to repeal 907 KAR 1:029, Payments for other laboratory and x-ray services. 907 KAR 1:029 is no longer necessary as its policies are being inserted into 907 KAR 1:028, Independent laboratory and radiological service coverage and reimbursement in order to consolidate the two (2) administrative regulations into one (1).

(2) 907 KAR 1:901 must be implemented on an emergency basis, in accordance with KRS 13A.190(1)(a)3, as 907 KAR 1:028 is being implemented on an emergency basis in response to an order from the Honorable Justice Phillip Shepherd of the Franklin Circuit Court regarding Aegis Science Corporation v. CHFS, Franklin Circuit Court No. 07-CI-01024 and to comply with KRS 333.090.

(3) This emergency administrative regulation shall not be replaced by an ordinary administrative regulation as it repeals an administrative regulation and an ordinary regulation is not necessary for continuing effect.

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Steven L. Beshear  
Governor

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Janie Miller, Secretary  
Cabinet for Health and Family Services

1 CABINET FOR HEALTH AND FAMILY SERVICES

2 Department for Medicaid Services

3 Division of Provider Operations

4 (Emergency Repealer)

5 907 KAR 1:901E Repeal of 907 KAR 1:029, Payments for other laboratory and x-ray  
6 services.

7 RELATES TO: 42 U.S.C. 1396a

8 STATUTORY AUTHORITY: KRS 194A.030(2), 194A.050(1), 205.520(3)

9 NECESSITY, FUNCTION, AND CONFORMITY: The Cabinet for Health and Family  
10 Services, Department for Medicaid Services has responsibility to administer the Kentucky  
11 Medicaid Program. KRS 205.520(3) authorizes the cabinet, by administrative regulation,  
12 to comply with any requirement that may be imposed, or opportunity presented, by  
13 federal law for the provision of medical assistance to Kentucky's indigent citizenry. This  
14 administrative regulation repeals 907 KAR 1:029, Payments for other laboratory and x-ray  
15 services, which is no longer needed because provisions are being established in 907  
16 KAR 1:028, Independent laboratory and radiological service coverage and  
17 reimbursement.

18 Section 1. 907 KAR 1:029, Payments for Payments for other laboratory and x-ray  
19 services, is hereby repealed.

907 KAR 1:901E

REVIEWED:

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Date

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Elizabeth A. Johnson, Esq., Commissioner  
Department for Medicaid Services

APPROVED:

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Date

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Janie Miller, Secretary  
Cabinet for Health and Family Services

A public hearing on this administrative regulation shall, if requested, be held on June 22, 2009 at 9:00 a.m. in the Health Services Auditorium, Health Services Building, First Floor, 275 East Main Street, Frankfort, Kentucky, 40621. Individuals interested in attending this hearing shall notify this agency in writing by June 15, 2009, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. The hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. You may submit written comments regarding this proposed administrative regulation until close of business June 30, 2009. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to:

**CONTACT PERSON:** Jill Brown, Office of Legal Services, 275 East Main Street 5 W-B, Frankfort, KY 40601, (502) 564-7905, Fax: (502) 564-7573

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Administrative Regulation #: 907 KAR 1:901E  
Cabinet for Health and Family Services  
Department for Medicaid Services  
Agency Contact Person: Stuart Owen (502) 564-4321

- (1) Provide a brief summary of:
  - (a) What this administrative regulation does: This administrative regulation is being repealed.
  - (b) The necessity of this administrative regulation: This administrative regulation is being repealed.
  - (c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation is being repealed.
  - (d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation is being repealed.
- (2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
  - (a) How the amendment will change this existing administrative regulation: This administrative regulation is being repealed.
  - (b) The necessity of the amendment to this administrative regulation: This administrative regulation is being repealed.
  - (c) How the amendment conforms to the content of the authorizing statutes: This administrative regulation is being repealed.
  - (d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation is being repealed.
- (3) List the type and number of individuals, businesses, organizations, or state and local government affected by this administrative regulation: Not applicable, this administrative regulation is being repealed.
- (4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
  - (a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment. Not applicable, this administrative regulation is being repealed.
  - (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3). Not applicable, this administrative regulation is being repealed.
  - (c) As a result of compliance, what benefits will accrue to the entities identified in question (3). Not applicable, this administrative regulation is being repealed.

- (5) Provide an estimate of how much it will cost to implement this administrative regulation:
  - (a) Initially: Not applicable, this administrative regulation is being repealed.
  - (b) On a continuing basis: Not applicable, this administrative regulation is being repealed.
- (6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Not applicable, this administrative regulation is being repealed.
- (7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: Not applicable, this administrative regulation is being repealed.
- (8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: Not applicable, this administrative regulation is being repealed.
- (9) Tiering: Is tiering applied? (Explain why tiering was or was not used)  
This administrative regulation is being repealed.

## FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Reg NO: 907 KAR 1:901E

Contact Person: Stuart Owen(502) 564-6204

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments or school districts)?

Yes X No \_\_\_\_\_

If yes, complete 2-4.

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? Not applicable, this administrative regulation is being repealed.
3. Identify each state or federal regulation that requires or authorizes the action taken by the administrative regulation. Not applicable, this administrative regulation is being repealed.
4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.
  - (a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? Not applicable, this administrative regulation is being repealed.
  - (b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? Not applicable, this administrative regulation is being repealed.
  - (c) How much will it cost to administer this program for the first year? Not applicable, this administrative regulation is being repealed.
  - (d) How much will it cost to administer this program for subsequent years? Not applicable, this administrative regulation is being repealed.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): \_\_\_\_\_

Expenditures (+/-): \_\_\_\_\_

Other Explanation: No additional expenditures are necessary to implement this amendment.